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Attorney for Defendant
TYRONE DEMOND MAHAN

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 03-513 JAM
)	
Plaintiff,)	STIPULATED MOTION AND ORDER TO
)	REDUCE SENTENCE PURSUANT TO 18
v.)	U.S.C. § 3582 (c) (2)
)	
TYRONE DEMOND MAHAN,)	<u>RETROACTIVE CRACK COCAINE REDUCTION</u>
)	<u>CASE</u>
Defendant.)	
)	
_____)	

Defendant, TYRONE DEMOND MAHAN, by and through his attorney,
Assistant Federal Defender David M. Porter, and plaintiff, UNITED
STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney
Kenneth J. Melikian hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the
term of imprisonment in the case of a defendant who has been sentenced
to a term of imprisonment based on a sentencing range that has
subsequently been lowered by the Sentencing Commission pursuant to 28
U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Mahan was subsequently
lowered by the United States Sentencing Commission in Amendment 706 by
two levels;

3. Accordingly, the adjusted offense level is lowered from 28 to 26, and a comparable sentence within the new guideline range would be 134 months;

4. Mr. Mahan merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Mahan's positive post-sentencing conduct;

5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Mahan's term of imprisonment to 134 months.

Dated: June 4, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Kenneth J. Melikian
KENNETH J. MELIKIAN
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
TYRONE DEMOND MAHAN

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Mahan is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable base offense level from 28 to 26, and a comparable sentence within the new guideline range would be 134 months.

IT IS HEREBY ORDERED that the term of imprisonment originally imposed is reduced to 134 months.

STIPULATED MOTION AND ORDER TO REDUCE SENTENCE

1 IT IS FURTHER ORDERED that all other terms and provisions of the
2 original judgment remain in effect.

3 Unless otherwise ordered, Mr. Mahan shall report to the United
4 States Probation office closest to the release destination within
5 seventy-two hours after his release.

6 Dated: June 4, 2008

7 /s/ John A. Mendez
8 HONORABLE JOHN A. MENDEZ
9 U.S. District Judge
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